



Signed: April 01, 2010

EDWARD D. JELLEN
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re
ROBERT DANIEL EBERWEIN,

No. 10-40860 EDJ
Chapter 7

Debtor.

MEMORANDUM AND ORDER DENYING MOTION
FOR NUNC PRO TUNC ENTRY OF PROOFS OF CLAIMS

Claimant Lisa Swain-Morris (the "claimant") has filed a motion and supporting documentation requesting nunc pro tunc entry of her proofs of claims in the above-captioned case.¹ The subject claims bear an original file stamp date of February 2, 2010, and were entered into the claims register by the clerk of court on March 22, 2010.²

Rule 3002(c) of the Federal Rules of Bankruptcy Procedure provides that in a case filed under chapter 7 or 13 of the Bankruptcy Code, a proof of claim is timely filed if it is filed not

¹ See docket nos. 51, 52, 54, 55, and 56.

² See claim nos. 5, 6, 7, 8, 9, and 10.

Memorandum and Order

1 later than 90 days after the first date set for the meeting of
2 creditors called under Bankruptcy Code § 341. In this case, the
3 meeting of creditors was scheduled for March 24, 2010.³ The
4 deadline for filing claims in the above-captioned case will
5 therefore not occur until 90 days after that date, on or about June
6 24, 2010. The proofs of claims filed by claimant are therefore
7 timely, and nunc pro tunc entry thereof is not necessary.

8 Claimant's motion is accordingly DENIED.

9 IT IS SO ORDERED.

10 **END OF ORDER**
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25 ³ Note that prior to conversion of this case to one under
26 chapter 7 of the Bankruptcy Code, a meeting of creditors was
scheduled to be held on April 8, 2010.

COURT SERVICE LIST

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